

ATTACHMENT 75

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL)
ROBOT ANTITRUST LITIGATION)

THIS DOCUMENT RELATES TO:) Lead Case No.: 3:21-cv-03825-VC
ALL CASES)

SURGICAL INSTRUMENT)
SERVICE COMPANY, INC.,)

Plaintiff,)

VS.)

INTUITIVE SURGICAL, INC.)

Defendants.)
_____)

DEPOSITION OF:

JUDITH SCHIMMEL

WEDNESDAY, NOVEMBER 16, 2022

12:00 P.M.

Reported by: GINA M. CLOUD
CSR No. 6315

1 BY MR. CHAPUT:

2 Q. And the reason Franciscan would want to
3 follow FDA's requirements is for patient safety?

4 MR. BATEMAN: Objection to form.

5 THE WITNESS: That would be one reason. 01:16:31

6 BY MR. CHAPUT:

7 Q. And following FDA's requirements also
8 allows Franciscan to bill for the use of that
9 equipment, correct?

10 MR. BATEMAN: Objection to form. 01:16:44

11 THE WITNESS: We can't bill for equipment.

12 BY MR. CHAPUT:

13 Q. Following FDA's requirements allows
14 Franciscan to bill for the use of supplies, correct?

15 MR. BATEMAN: Objection to form. 01:17:00

16 THE WITNESS: Correct.

17 BY MR. CHAPUT:

18 Q. Does Franciscan have policies regarding the
19 procurement of medical devices that have been
20 remanufactured? 01:17:15

21 MR. BATEMAN: Objection to form, vague.

22 THE WITNESS: We do not.

23 BY MR. CHAPUT:

24 Q. So for example, if a device is single use
25 but has been remanufactured to be reused and the 01:17:31

1 single use device required FDA clearance, would
2 Franciscan purchase the remanufactured device if it
3 lacked FDA clearance?

4 MR. BATEMAN: Objection, form, vague,
5 incomplete hypothetical. 01:17:51

6 THE WITNESS: We would not purchase a
7 device that wasn't FDA cleared, that we were aware
8 of.

9 BY MR. CHAPUT:

10 Q. Apart from any approved human research, is 01:18:14
11 there any circumstance when Franciscan would allow
12 use at its facilities of a medical device that
13 required FDA clearance, but had not yet received it?

14 MR. BATEMAN: Objection to form.

15 THE WITNESS: I would not be aware of any. 01:18:33

16 BY MR. CHAPUT:

17 Q. You're not aware of any because there are
18 no circumstances apart from approved human research
19 when Franciscan would do that?

20 MR. BATEMAN: Objection to form. 01:18:49

21 THE WITNESS: Yes.

22 MR. CHAPUT: We can go off the record.

23 THE VIDEOGRAPHER: We are going off the
24 record. The time is 4:18 p.m.

25 (Recess taken.) 01:19:05

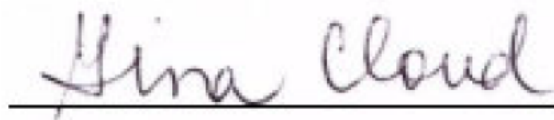
1 I, GINA M. CLOUD, a certified shorthand
2 reporter for the State of California, do hereby
3 certify:

4 that prior to being examined, the
5 witness named in the foregoing deposition, was by me
6 duly sworn to testify the truth, the whole truth,
7 and nothing but the truth pursuant to Section No.
8 2093 of the Code of Civil Procedure;

9 That said deposition was taken before
10 me pursuant to notice, at the time and place therein
11 set forth, and was taken down by me in shorthand and
12 thereafter reduced to typewriting via computer-aided
13 transcription under my direction;

14 I further certify that I am neither
15 counsel for, nor related to, any party to said
16 action, nor in anywise interested in the outcome
17 thereof.

18 IN WITNESS WHEREOF, I have hereunto
19 subscribed my name this 2nd day of December, 2022.
20
21

22 
23 _____

GINA M. CLOUD

24 CSR No. 6315
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